



Attorney Docket No. 5778.200-US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Berka *et al.*

Serial No.: 09/482,788

Group Art Unit: 1652

Filed: January 13, 2000

Examiner: Tung, P.

For: Methods For Producing Polypeptides In Cyclohexadepsipeptide-Deficient Cells

RESPONSE TO RESTRICTION REQUIREMENT

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Commissioner for Patents
Washington, DC 20231

APR 18 2001

TECH CENTER 1600/2900

Sir:

This paper is being filed in response to the Office Action mailed March 27, 2001, that made restriction requirements. Applicants were requested to elect one of four designated groups under 35 U.S.C. § 121:

Group I: Claims 1-3, 8, 9, and 13, drawn to a method for producing a heterologous polypeptide using a mutant filamentous fungal cell, classified in class 435, subclass 69.1.

Group II: Claims 22-24, drawn to a cyclohexadepsipeptide synthase-deficient mutant filamentous fungal cell, classified in class 435, subclass 254.11.

Group III: Claims 30, 31, 37, 42, and 50, drawn to a cyclohexadepsipeptide synthase, classified in class 435, subclass 183.

Group IV: Claim 53, 57-59, 63, and 64, drawn to DNA encoding a cyclohexadepsipeptide synthase, vectors, transformed host cells and a method of making said cyclohexadepsipeptide synthase, classified in class 435, subclass 183.

In response to these requirements, Applicants hereby elect with traverse the invention of Group I. Claims 1-3, 8, 9, and 13 read on the elected subject matter.

Applicants hereby reserve the right to file continuing applications directed to the non-elected subject matter.

The basis for traverse is that there would not be a serious burden on the examiner if restriction were not required. Group I relates to a method of producing a heterologous polypeptide using a cyclohexadepsipeptide synthase-deficient mutant filamentous fungal cell and Group II relates to a cyclohexadepsipeptide synthase-deficient mutant filamentous fungal cell. These two groups are very related.

The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this response or application.

Date: April 9, 2001



Respectfully submitted,

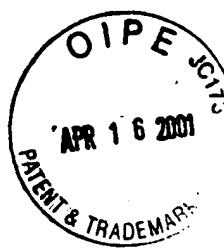
A handwritten signature in cursive script that reads "Robert L. Starnes".

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Confirmation No: 7465

For: Methods for producing polypeptides in cyclohexadepsipeptide-deficient cells

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

**Commissioner for Patents
Washington, DC 20231**

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Sir:

I hereby certify that the attached correspondence comprising:

1. Response to Restriction Requirement

is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

**Commissioner for Patents
Washington, DC 20231**

on April 9, 2001.

Seleste A. Buriani
(name of person mailing paper)

Seleste A. Buriani
(signature of person mailing paper)